



General Assembly

January Session, 2005

**Amendment**

LCO No. 7932

**\*SB0105207932HR0\***

Offered by:  
REP. WARD, 86<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1052

File No. 554

Cal. No. 651

**"AN ACT CONCERNING MEDICAL MALPRACTICE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 52-572h of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2005, and applicable to actions filed on or after said date*):

6 (a) For the purposes of this section: (1) "Economic damages" means  
7 compensation determined by the trier of fact for pecuniary losses  
8 including, but not limited to, the cost of reasonable and necessary  
9 medical care, rehabilitative services, custodial care and loss of earnings  
10 or earning capacity excluding any noneconomic damages; (2)  
11 "noneconomic damages" means compensation determined by the trier  
12 of fact for all nonpecuniary losses including, but not limited to,  
13 physical pain and suffering and mental and emotional suffering; (3)  
14 "recoverable economic damages" means the economic damages  
15 reduced by any applicable findings including but not limited to

16 set-offs, credits, comparative negligence, additur and remittitur, and  
17 any reduction provided by section 52-225a; (4) "recoverable  
18 noneconomic damages" means the noneconomic damages reduced by  
19 any applicable findings including but not limited to set-offs, credits,  
20 comparative negligence, additur and remittitur; (5) "health care  
21 institution" means a health care institution licensed pursuant to  
22 chapter 368v; and (6) "health care provider" means an individual  
23 provider of health care licensed pursuant to chapters 370 to 373,  
24 inclusive, or 375 to 383c, inclusive, chapter 368d, 384a, 388, 398 or 399,  
25 or a pharmacist or other person, other than a health care institution,  
26 licensed pursuant to chapter 400j.

27 Sec. 502. Section 52-572h of the general statutes is amended by  
28 adding subsection (p) as follows (*Effective October 1, 2005, and applicable*  
29 *to actions filed on or after said date*):

30 (NEW) (p) In any action filed on or after October 1, 2005, to recover  
31 damages resulting from personal injury or wrongful death, whether in  
32 tort or in contract, in which it is alleged that such injury or death  
33 resulted from the professional negligence of a health care provider or  
34 health care institution, or both, in the medical diagnosis, care or  
35 treatment of the claimant:

36 (1) The amount of recoverable noneconomic damages allowed the  
37 claimant shall not exceed five hundred thousand dollars for each  
38 claimant with respect to defendant health care providers, regardless of  
39 the number of defendant health care providers against whom the claim  
40 is asserted or the number of separate causes of action on which each  
41 claim is based;

42 (2) The amount of recoverable noneconomic damages allowed the  
43 claimant shall not exceed one million dollars for each claimant with  
44 respect to defendant health care institutions, regardless of the number  
45 of defendant health care institutions against whom the claim is  
46 asserted or the number of separate causes of action on which each  
47 claim is based;

48       (3) An award or combination of awards in excess of the limitations  
49       set forth in subdivisions (1) and (2) of this subsection shall be reduced  
50       to the applicable limits by the court. The limitations in subdivisions (1)  
51       and (2) of this subsection shall not be disclosed to a jury."